Regular Session, 2009

SENATE BILL NO. 29

BY SENATOR RISER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TELECOMMUNICATIONS. Enacts the Louisiana Anti-Caller ID Spoofing Act. (8/15/09)

1	AN ACT
2	To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be
3	comprised of R.S.51:1741 through 1745, relative to caller ID spoofing; to provide
4	for short title; to provide for definitions; to provide for violations of the Louisiana
5	Consumer Protection Act; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950,
8	comprised of R.S. 51:1741 through 1745, is hereby enacted to read as follows:
9	**CHAPTER 19-C. ANTI-CALLER ID SPOOFING**
10	**§1741. Legislative findings**
11	**The legislature of the state of Louisiana finds that the citizens of this**
12	**state are potential targets of a telephone scam known as "caller ID spoofing"**
13	**or "caller ID fraud," which allows a caller to hide his or her true identity by**
14	**modifying caller ID information with the intent to mislead, defraud, or deceive**
15	**the recipient of the telephone call. It is, therefore, the intent of this Chapter to**
16	**protect Louisiana citizens from such scams which have led to financial loss, the**
17	**loss of personal information, harassment, and potentially threatening telephone**

1 **calls.**

2 **§1742. Short title**

3   **This Chapter shall be known and may be cited as the "Anti-Caller ID**

4 **Spoofing Act."**

5 **§1743. Definitions**

6   **For the purposes of this Chapter, the following terms shall have the**

7 **following meanings, unless the context clearly indicates otherwise:**

8   **A. "Caller" means a person who places a call by a telephone or over a**

9 **telephone line, even if the person begins the call on a computer through Voice**

10 **over Internet Phone (VoIP).**

11   **B. "Caller identification system" means a listing of a caller's name,**

12 **telephone number, name of a legitimate or fictitious business, or name and**

13 **telephone number that is shown to a recipient of a call when the recipient**

14 **answers.**

15   **C. "Insert" means to enter by voice communication, by written**

16 **communication, or by otherwise entering into a computer.**

17   **D. "False information" means data that misrepresents the identity of the**

18 **caller to the recipient of a call, except that when a person making an authorized**

19 **call on behalf of another person inserts the name, telephone number, or name**

20 **and telephone number of the person on whose behalf the call is being made,**

21 **such information shall not be deemed false information.**

22 **§1744. Unlawful acts; exceptions**

23   **A. It shall be unlawful for a caller to knowingly insert false information**

24 **into a caller identification system with the intent to mislead, defraud, or deceive**

25 **the recipient of a telephone call.**

26   **B. The provisions of this Chapter shall not apply to:**

27   **1. Any blocking of caller identification information.**

28   **2. Any municipal, parish, state, or federal law enforcement agency.**

29   **3. Any federal intelligence or security agency.**

1   **§1745. Remedies for violation**

2   **A. Any person or entity who is adversely affected by a violation of this**

3   **Chapter may bring an action against a person who knowingly inserts false**

4   **information into a caller identification system with the intent to mislead,**

5   **defraud, or deceive the recipient of a telephone call. A person who brings an**

6   **action under this Chapter may seek to enjoin further violations of R.S. 51:1744**

7   **and seek to recover the greater of three times the amount of actual damages or**

8   **five thousand dollars per violation.**

9   **B. The attorney general or a district attorney in a parish where a**

10   **violation occurs may bring an action against a person who violates or is in**

11   **violation of this Chapter to enjoin further violations of R.S. 51:1744 and to**

12   **recover a civil penalty of up to five thousand dollars per violation.**

13   **C. The remedies provided for in this Section shall not preclude the**

14   **seeking of other remedies, including criminal remedies, provided by law.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Enacts the "Anti-Caller ID Spoofing Act," which is intended to protect Louisiana citizens from caller ID scams which have led to financial loss, the loss of personal information, harassment, and to potentially threatening telephone calls.

Proposed law provides for findings and definitions.

Proposed law defines the unlawful acts that constitute "caller ID spoofing".

Proposed law makes unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of the call.

Proposed law exempts any blocking of caller identification information, any municipal, parish, state, or federal law enforcement agency and any federal investigative or security agency.

Proposed law provides for private civil actions against the violator of proposed law seeking injunctive relief and money damages; provides for the attorney general or a district attorney to seek civil money penalties against violators and specifically states that criminal sanctions are not precluded for violations of proposed law.

Effective August 15, 2009.

(Adds R.S. 51:1741-1745)